

**To:** Jackson, Scott[Jackson.Scott@epa.gov]  
**From:** Daly, Carl  
**Sent:** Fri 12/16/2016 11:17:31 PM  
**Subject:** Re: Follow up from General Conformity briefing

## Ex. 5 - Deliberative Process

Carl Daly 303-312-6416

On Dec 16, 2016, at 10:05 AM, Jackson, Scott <Jackson.Scott@epa.gov> wrote:

Martin,

Coming out of the general conformity briefing we gave you on Tuesday, you asked us to follow up with you on a few items. Here they are:

- **Item 1 (attached):** Our general conformity related comments on the Preliminary DEIS for the NPL project. These were transmitted by email from Suzanne Bohan to Jim Speck at WY BLM back when Suzanne was NEPA program director. I can pass along that email if you'd like it.
- **Item 2 (below):** The 110(l) language from EPA's approval of the WY SIP revision that incorporates the general conformity stationary source permit exemption. Recall that 110(l) is the CAA section that says EPA can't approve a state's SIP revision if it would interfere with attainment of the NAAQS (or other applicable CAA requirements).
- **Item 3 (below):** BLM response to our previous comments to them on how they plan to utilize the WY DEQ permits for exempting sources from general conformity.
- **Item 4:** I am working to get on Shaun and Deb's calendar for the week of Dec. 26<sup>th</sup>. Betsy V. advised me that they are booked solid for next week and that's the earliest we can get. She said to wait until Debra Lucas is back next week and get her to schedule. Please let me know if you want to work in something sooner.

**Item No. 2) CAA section 110(l) language from EPA's August 15, 2013 final rule (78 FR 49685), copy attached, to approve Wyoming's General Conformity requirements (WAQSR Chapter 8, Section 3) and our evaluation of Wyoming's permitting program:**

## **“V. Consideration of Section 110(1) of the Clean Air Act**

Section 110(1) of the CAA states that a SIP revision cannot be approved if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress towards attainment of a NAAQS or any other applicable requirement of the CAA. As described in section III.A.4.f. of this action, the changes to the Wyoming SIP would not require a conformity determination for minor new or modified stationary sources that require a permit under the NSR permitting program (section 110(a)(2)(C) and section 173 of the CAA)).

The State of Wyoming indicates that SIP permitting regulations prevent the State from issuing a permit if the facility would prevent the attainment or maintenance of any ambient air quality standard (“the proposed facility will not prevent the attainment or maintenance of any ambient air quality standard”, WAQSR Chapter 6, Section 2(c)(ii)). With this final rule, EPA is finding that these Wyoming SIP general conformity minor stationary source permit provisions are adequate to ensure that this SIP revision will not interfere with any applicable requirement concerning attainment and reasonable further progress towards attainment of a NAAQS or any other applicable requirement of the CAA.”

**Item No. 3) BLM response to our previous comments to them on how they plan to utilize the station permit exemption:**

*BLM Response:*

**Referred to BLM**

# Referred to BLM

<NPL General Conformity\_4-16-13.docx>

<WY Conformity NFR as published 8-15-13.pdf>